

07-30-01

A

Box CD-ROM

CHOATE, HALL & STEWART

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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 11046 U.S. PTO
 09/916849
 07/26/01

BOX PATENT APPLICATION
 ASSISTANT COMMISSIONER FOR PATENTS
 WASHINGTON, DC 20231

Express Mail No.: EL674751989US
Attorney Docket No.: 2002850-0024 (S01-503)
Date Filed: July 26, 2001

UTILITY PATENT APPLICATION TRANSMITTAL

(for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Dear Sir:

Please find enclosed a patent application and papers as follows for:

Inventor(s):

Given Name (first and middle) Family Name or Surname Residence

| | | |
|------------|-------------|-----------------|
| David | Botstein | Belmont, CA |
| Patrick O. | Brown | Stanford, CA |
| Chuck | Perou | Chapel Hill, NC |
| Matt | van de Rijn | Woodside, CA |
| Brian | Ring | Los Altos, CA |
| Douglas | Ross | Burlingame, CA |
| Rob | Seitz | Huntsville, AL |

Title of the Invention: **BASAL MARKERS IN BREAST CANCER AND RELATED REAGENTS USES THEREOF**

Express Mail No.: FL674751989US
 Date Filed: July 26, 2001

 1133 U.S. PTO
 07/26/01

09916849-072601

A) APPLICATION ELEMENTS:

1) **Fee Transmittal Form** (original and duplicate submitted for fee processing)

2) X **Applicant Claims Small Entity Status** (see 37 CFR 1.27)

a) X Statement Verifying Small Entity Status (optional)

3) X **Specification**

TOTAL PAGES: 137

- Descriptive Title of the Invention
- Government Support
- Cross References to Related Applications (if applicable)
- Reference To Material Presented In Appendices
- Background of the Invention
- Summary of the Invention
- Brief Description of the Drawing (if filed)
- Brief Description of Appendices A - G (on CD-ROM)
- Brief Description of The Tables in Appendix H (on CD-ROM)
- Detailed Description Of Certain Preferred Embodiments
- Examples
- Claim(s)
- Abstract of the Invention

4) X **Drawing(s)** (35 U.S.C. § 113)

TOTAL SHEETS: 12

a) Formal Drawings (if checked)

5) **Oath or Declaration**

TOTAL PAGES:

a) Newly Executed (original or copy)

b) Copy from a prior application (37 C.F.R. § 1.63(d))-for
continuation/divisional application

i) Deletion of inventor(s): Signed Statement deleting inventor(s) named
in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

c) Unexecuted

6) **Application Data Sheet.** See 37 CFR 1.76.

7) X **CD-ROM or CD-R in duplicate, large table or Computer Program
(Appendix) with Transmittal**

8) **Nucleotide and/or Amino Acid Sequence Submission** (if applicable, all are

necessary)

- a) ☐ Computer Readable Form (CRF)
- b) ☐ Specification Sequence Listing on:
 - i) ☐ CD-ROM or CR-R (2 copies); or
 - ii) ☐ Paper
- c) ☐ Statements verifying identity of above copies

B) ACCOMPANYING APPLICATION PARTS:

- 9) ☐ **Assignment Papers** (cover sheet & document(s))
- 10) ☒ **37 C.F.R. § 3.73(b) Statement** (when there is an assignee)
- 11) ☒ **Power of Attorney**
- 12) ☐ **English Translation Document** (if applicable)
- 13) ☐ **Information Disclosure Statement (IDS)/PTO-1449**
- 14) ☐ **Copies of IDS Citations**
- 15) ☐ **Preliminary Amendment**
- 16) ☒ **Return Receipt Postcard (MPEP 503)** (specifically itemized)
- 17) ☐ **Certified Copy of Priority Document(s)** (if foreign priority is claimed)
- 18) ☒ **OTHER:** (if applicable, specified below)

-Printed version of Tables 3-16

C) FOR CONTINUING APPLICATIONS: (the appropriate box is checked, and certain information is provided below and in a preliminary amendment)

☐ CONTINUATION ☐ DIVISIONAL ☐ CONTINUATION-IN-PART (CIP)

OF PRIOR APPLICATION NO: _____

FILED: _____

10991649-072601

EXAMINER: _____

GROUP/ART UNIT: _____

FOR CONTINUATION OR DIVISIONAL APPLICATIONS ONLY: THE ENTIRE DISCLOSURE OF THE PRIOR APPLICATION, FROM WHICH AN OATH OR DECLARATION IS SUPPLIED AS DETAILED ABOVE, IS CONSIDERED A PART OF THE DISCLOSURE OF THE ACCOMPANYING CONTINUATION OR DIVISIONAL APPLICATION AND IS HEREBY INCORPORATED BY REFERENCE.

D.) PRIORITY CLAIM(S):

This application claims the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below:

| Application Number | Filing Date | Status |
|--------------------|-------------|--------|
| | | |
| | | |
| | | |

PCT Applications designating the United States:

| Application Number | Filing Date | Status |
|--------------------|-------------|--------|
|--------------------|-------------|--------|

This application claims the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Provisional Application(s):

| 60/220,967 | July 26, 2000 | |
|--------------------|---------------|--------|
| Application Number | Filing Date | Status |

E) METHOD OF PAYMENT OF FILING FEES FOR THIS APPLICATION:

____ Applicant claims small entity status 37 CFR 1.27

 X A check is enclosed to cover the filing fees as determined on the fee

Express Mail No.: FL674751989US

Date Filed: July 26, 2001

transmittal enclosed herewith.

X The commissioner is hereby authorized to charge filing fees or credit
any overpayment to deposit account number 03-1721.

Total filing fee amount \$ _____


F) CORRESPONDENCE ADDRESS:

X Customer Bar Code Label: _____

X Correspondence Address:

Monica R. Gerber, M.D., Ph.D.
Choate, Hall & Stewart
53 State Street
Exchange Place
Boston, MA 02109
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Respectfully Submitted,


Monica R. Gerber, M.D., Ph.D.
Registration No. 46,724

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Date: July 26, 2001
3296640_1.DOC

ATTORNEY'S DOCKET NO: 2002850-0024 (SO1-503)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Botstein, et al.,
Serial No.: N/A
Filed: N/A
For: BASIL MARKERS IN BREAST CANCER AND RELATED REAGENTS
USES THEREOF

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Sir:

TRANSMITTAL OF COMPACT DISC CONTAINING COMPUTER PROGRAM
LISTING APPENDIX IN ACCORDANCE WITH C.F.R. § 1.52

In accordance with C.F.R. §1.52 for the above-referenced application enclosed herewith are the following:

- 1) 1 compact disc meeting the following specifications:

List of Files:

| | | |
|----|--------------------|-------|
| 1) | Appendix A | 4,651 |
| | Appendix B | 481 |
| | Appendix C | 7,810 |
| | Appendix D | 3,721 |
| | Appendix E | 1238 |
| | Appendix F | 540 |
| | Appendix G | 377 |
| | AppendixH_Table1 | 2,102 |
| | AppendixH_Table2 | 760 |
| | AppendixH_Table3 | 22 |
| | AppendixH_Table4 | 25 |
| | AppendixH_Table5 | 27 |
| | AppendixH_Table6 | 655 |
| | AppendixH_Table7 | 88 |
| | AppendixH_Table8 | 28 |
| | AppendixH_Table9-1 | 22 |
| | AppendixH_Table9-2 | 22 |
| | AppendixH_Table10 | 21 |
| | AppendixH_Table11 | 22 |
| | AppendixH_Table12 | 23 |
| | AppendixH_Table13 | 21 |

0931649-072601

| | |
|-------------------|----|
| AppendixH_Table14 | 23 |
| AppendixH_Table15 | 21 |
| AppendixH_Table16 | 21 |

Total number of bytes: 23,164,507
Date of Creation: July 25, 2001
Format: IBM-PC
Operating System: Windows

2) A second compact disc (duplicate) which meets the above-mentioned specifications and contains the same information.

The two compact discs enclosed herein are identical.

Additionally, please charge any further fees associated with this filing or apply any credits to our Deposit Account No. 03-1721.

Respectfully submitted,



Monica R. Gerber, Reg. No. 46,724

Choate, Hall & Stewart
Exchange Place
53 State Street
Boston, MA 02109
(617) 248-5000
Dated: July 26, 2001
3296941_1.DOC

0391649-072601